IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 201 OF 2006

Sou. Ninali S. Patil ..Petitioner

versus

Shri Appasaheb Shankar Patil & Ors. ..Respondents

Shri A. B. Borkar for the Petitioner.

CORAM : DR. D.Y.CHANDRACHUD,J.
DATE : 10TH FEBRUARY,2006

P.C. :

. The learned Trial Judge allowed an amendment of the plaint. The reasoning contained in the judgment of the Trial Court would show that in view of the law laid down by the Apex Court in **Ragu Thilak D. John versus S. Rayappan and others [2001] 2, S.C.C. 472**, the learned Trial Judge was inclined to keep the point of limitation open to be urged at the trial of the suit. In view of the well settled position in law laid down by the Supreme Court, it is not necessary to entertain this Petition. However, the order of the learned Trial

Judge allowing the application for amendment shall not preclude the learned Trial Judge from raising an issue of limitation. With the aforesaid clarification, the Petition is dismissed.

(DR. D. Y. CHANDRACHUD, J.)